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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,925	08/25/2003	Donald C. Kauffman	H0005297	1955

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Timothy Carlson
Honeywell International, Inc.
101 Columbia Road
Law Dept. AB2
Morristown, NJ 07962

EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,925	KAUFFMAN ET AL.	
	Examiner	Art Unit	
	David Q. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-26* is/are allowed.

6)☒ Claim(s) *1,3-13 and 27-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/17/06 have been fully considered but they are not persuasive.

In response to applicant's Remarks, applicants state: "Applicant hereby amends Claim 1 to include the subject matter of Claim 2". Examiner disagrees because the subject matter added to claim 1 is different from the subject matter of Claim 2.

In response to applicant's Remarks, applicants argue: " there is no teaching or suggestion by Brinkley that the PDA performs both sending data to and receiving data from the ground based security envelope or the aircraft cabin envelope".

Examiner disagrees because Brinkley clearly discloses sending and receiving data between PDAs 12 and aircraft avionics system 10 (see par. 0062 and fig. 1 and its description). Therefore, Brinkley teaches PDA performs both sending data to and receiving data from the ground based security envelope or the aircraft cabin envelope as claimed in independent claims of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-13 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Brinkley et al. (US 2003/0003872 A1).

Regarding claim 1, Brinkley et al discloses an in-flight communications system, comprising an aircraft cabin envelope including a wireless LAN (see fig. 1 and pars. 0028-0031); an ACARS security envelope that is in communication with the wireless LAN via an airborne communications management unit (CMU) (see fig. 1 and pars. 0028-0031); and a ground based security envelop that is in communication with a ground-based segment of the ACARS security envelope (see fig. 1 and pars. 0028-0031); a personal digital assistant (PDA) having a wireless modem for sending data to and receiving data from one of the aircraft cabin envelope or the ground based security envelope via the wireless LAN, the ACARS security envelope, and the CMU (see par. 0062 and fig. 1 and its description).

Regarding claim 3, Brinkley et al also discloses wherein the wireless LAN supports a plurality of wireless devices (see par. 0062 and abstract).

Regarding claim 4-8, Brinkley et al also discloses wherein the ACARS security envelope comprises a data link service provider that is linked to the ground based security envelope (see fig. 1 and pars. 0028-0031); wherein an authorized user operates within the aircraft cabin security envelope (see fig. 1 and pars. 0028-0031); wherein the authorized user communicates with an operations center within the ground-based security envelope (see fig. 1 and pars. 0028-0031); wherein the authorized user communicates with flight deck personnel on the same aircraft (see fig. 1 and pars. 0028-0031); wherein the authorized user communicates with another Air Marshal on the same aircraft (see fig. 1 and pars. 0028-0031).

Regarding claim 9, Brinkley et al discloses an in-flight communications system, comprising a personal digital assistant (PDA) device having wireless communications capabilities (see par. 0062); an aircraft cabin wireless local area network (LAN), the PDA device being operable to be in communication with the wireless LAN (see fig. 1 and pars. 0028-0031); a communications management unit (CMU) associated with the wireless LAN and operable to send and received data via ACARS (see fig. 1 and pars. 0028-0031); and an operations center operable to receive data generated by the PDA, transmitted over the wireless LAN and passed to the operations center via ACARS (see fig. 1 and pars. 0028-0031).

Regarding claims 10-13, Brinkley et al also discloses wherein the CMU provides PDA generated data to flight deck personnel (see fig. 1 and pars. 0028-0031); wherein the PDA device is programmed with predetermined Screens (see fig. 1 and pars. 0028-0031); wherein the screens are arranged to have tap and send functionality (see fig. 1 and pars. 0028-0031); wherein the PDA device is operable to communicate with another PDA device over the wireless over the wireless LAN (see fig. 1 and pars. 0028-0031).

Regarding claim 27, Brinkley et al discloses an in-flight communications system, the system comprising an aircraft comprising a personal digital assistant (PDA) device having wireless communications capabilities (see fig. 1 and pars. 0028-0031); an aircraft cabin wireless local area network (LAN), the PDA device being operable to be in communication with the wireless LAN (see fig. 1 and pars. 0028-0031); a communications module associated with the wireless LAN and operable to send and receive data via an air-to-ground communications system (see fig. 1 and pars. 0028-0031); and an operations center operable to receive data generated by

the PDA, transmitted over the wireless LAN and passed to the operations center via the air-to-ground communications system (see fig. 1 and pars. 0028-0031).

Regarding claims 28-33, Brinkley et al also discloses wherein the communications module comprises a communications management unit (CMU) (see fig. 1 and pars. 0028-0031); wherein the air-to-ground communications system comprises an ACARS (see fig. 1 and pars. 0028-0031); wherein the communications module provides PDA generated data to flight deck personnel (see fig. 1 and pars. 0028-0031); wherein the PDA device is programmed with predetermined screens (see fig. 1 and pars. 0028-0031) wherein the screens are arranged to have tap and send functionality (see fig. 1 and pars. 0028-0031); wherein the PDA device is operable to communicate with another PDA device over the wireless LAN (see fig. 1 and pars. 0028-0031).

Allowable Subject Matter

3. Claims 14-26 are allowed as mentioned in the previous office action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

David Nguyen

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER